

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Police Department – Revision petitions of Sri T.Mohana Rao, Inspector of Police, Marine PS, Visakhapatnam and Sri K.Eswar Rao, SI of Police, Task Force PS, Visakhapatnam City, against the punishment of 'Compulsory Retirement' – Allowed – Orders – Issued.

HOME (SERVICES-I) DEPARTMENT

G.O.Rt.No. 583

Dated: 23-04-2011
Read the following:-

1. From Sri T.Mohana Rao, Inspector of Police, Marine PS, Visakhapatnam, Representation dated 10.11.2010.
2. From Sri K.Eswar Rao, SI of Police, Task Force PS, Visakhapatnam City, Representation dated 10.11.2010.
3. Govt. Memo No.36815/Ser.I/A2/2010-1, dated 14.12.2010.
4. From the Hon'ble APAT, orders dated 20.3.2011 in O.A.No. 8199 of 2010 with CA No.61 of 2011 and VMA No.306 of 2011, filed by Sri T.Mohana Rao, Inspector of Police.
5. From the Hon'ble APAT, orders dated 20.3.2011 in O.A.No. 8200 of 2010 with CA No.62 of 2011 and VMA No.231 of 2011, filed by Sri K.Eswara Rao, SI of Police.
6. From the Director General of Police, A.P., Hyderabad, Letter Rc.No.3783/Appeal-3/2010, dated 31.3.2011.

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ORDER:

The Director General of Police, A.P., Hyderabad, in his letter 6th read above, has informed that a major charge was framed against Sri T.Mohana Rao, Inspector of Police and Sri K.Eswara Rao, S.I. of Police formerly of Bhogapuram Circle of Vizianagaram District, for the following delinquency:-

"Sri T.Mohana Rao, while working as Inspector of Police, Bhogapuram Circle, Vizianagaram District, miserably failed to supervise the investigation in the case done by the S.I. in Cr.No.764/2003 u/s 174 Cr.P.C. and also failed to guide the S.I. of Police in collecting proper evidence in the sensational case wherein a minor girl was subjected to rape and murder by the accused. He failed to examine the PWs and kept silent on the preliminary investigation made by the S.I. was perfunctory. He did not bother to visit and examine the scene of offence. Further he failed to take over the investigation of the case immediately though the case is sensational and heinous in nature. He exhibited slack supervision and gross negligence in the investigation."

"Sri K.Eswar Rao, S.I. of Police, while working at Bhogapuram PS, Vizianagaram District, registered a case in Cr.No.764/2003 u/s Cr.PC of Bhoagapuram PS conducted perfunctory investigation of the case, though the mother of the deceased (complainant) expressed her suspicion regarding the death of her daughter stating that she noticed an injury on one of the eyes of the decessed and was compelled by village elders of the village, and the preliminary P.M. Report clearly indicates presence of (1) a wound of size 5"x ½ ' depth from the tip of the coccyx to the vaginal introit-us and (2) fracture o Hyoid Bone evidently that the case may be of rape and murder, he failed to investigate the case on proper lines and also failed to intimate the facts to his superiors, which clearly indicated the malafied intention and misconduct on his part. The charged officer kept silent for more than four months without making any progress of the case though the case is heinous in nature. Further the section of law was altered to 302 IPC only on receipt of Chemical Analysis Report as well as final opinion of P.M. advice, which clearly shows the ulterior motive and misconduct and perfunctory investigation of the case by the charged officer".

2. The Superintendent of Police, Visakhapatnam, who was appointed as Inquiry Authority, has conducted the O.E., and held the charges 'proved' against Sri K.Eswar Rao, S.I. of Police, and 'partly proved' against Sri T.Mohana Rao, Inspector of Police. The Deputy Inspector General of Police, Visakhapatnam Range, after following the procedure,

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awarded the punishment 'RTSP by 3 stages for one year with cumulative effect' against Sri K.Eswar Rao, S.I. of Police, and 'PPI for one year with effect on future increments and pension' against Sri T.Mohana Rao, Inspector of Police, besides treating the period of suspension as 'not on duty' vide proceedings dated 9.1.2009. Aggrieved with the above punishment, Sri K.Eswara Rao, S.I. of Police has submitted an appeal to the Inspector General of Police, Visakhapatnam Region, Hyderabad. On receipt of the appeal petition, the Inspector General of Police, Visakhapatnam Region, Hyderabad, after following the due procedure, has awarded the punishment of **"Compulsory Retirement"** to Sri T.Mohana Rao, Inspector of Police and Sri K.Eswara Rao, S.I. of Police, vide proceedings Rc.No.106/Camp/IGP(VSPR)/ Appeal/2010, dated 19.10.2010.

3. Aggrieved by the punishment of 'compulsory retirement', Sri T.Mohana Rao, Inspector of Police, Marine PS, Visakhapatnam and Sri K.Eswar Rao, SI of Police, Task Force PS, Visakhapatnam City, have submitted revision petitions to the Government, vide references 1st and 2nd read above. Simultaneously, they have approached Hon'ble Tribunal and the Hon'ble Tribunal has stayed the operation of the said impugned proceedings. In the references 4th and 5th read above, the Hon'ble Tribunal, while disposing off both O.As., directed the Government to pass appropriate orders on the revision petitions filed by the applicants dated 10.11.2010 within a period of four weeks from the date of receipt of the order, according to rules.

4. After careful examination of the entire matter, with reference to the records made available, and by taking the revision petitions of Sri T.Mohana Rao, Inspector of Police and Sri K.Eswar Rao, S.I. of Police, into consideration Government hereby **set aside** the above said punishment of **'Compulsory retirement'** awarded against them, duly treating the period of suspension and out of employment period, if any, as **'on duty'**.

5. The Director General of Police, A.P., Hyderabad, is requested to take necessary follow up action in the matter. The records received in the reference 6th read above are herewith returned and the receipt of the same should be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.GAUTAM KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, A.P. Hyderabad (w.e)
The Individuals concerned
through Director General of Police, A.P. Hyderabad.
Copy to:
The Govt. Pleader for Home (S), A.P.A.T., Hyderabad.
SF/SC

// Forwarded :: by order //

SECTION OFFICER